



Entered on Docket
October 27, 2009

A handwritten signature in black ink, appearing to read "Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

WILDE & ASSOCIATES
Gregory L. Wilde, Esq.
Nevada Bar No. 004417
208 South Jones Boulevard
Las Vegas, Nevada 89107
Telephone: 702 258-8200
Fax: 702 258-8787
bk@wildelaw.com

and

MARK S. BOSCO, ESQ.
Arizona Bar No. 010167
TIFFANY & BOSCO, P.A.
2525 East Camelback Road, Suite 300
Phoenix, Arizona 85016
Telephone: (602) 255-6000

EMC Mortgage Corporation
08-76917 / 0015583388

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

Rayshaine Hartwell
Debtors.

08-18304-LBR

Chapter 13

1 **ORDER VACATING AUTOMATIC STAY**

2 Pursuant to the Declaration re Breach of Condition filed on August 27, 2009 and Debtors failure
3 to cure the default prior to its expiration, and good cause appearing.

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Automatic Stay in the
5 above-entitled bankruptcy proceeding is immediately vacated and extinguished for all purposes as to
6 Secured Creditor, EMC Mortgage Corporation its assignees and/or successors in interest, and Secured
7 Creditor may proceed with a foreclosure of and hold a Trustee's Sale of the subject property, generally
8 described as 8731 James Raul Ave., Las Vegas NV and legally described as follows:

9 **PARCEL I:**

10 Lot Twenty-One (21) in Block Two (2) of SAN MARINO III (A Common Interest
11 Community), as shown by map thereof on file in Book 114, of Plats, Page 25 in the
12 Office of the County Recorder of Clark County, Nevada.

13 **PARCEL II:**

14 A non-exclusive easement for ingress, egress, use and enjoyment over those portions of
15 said map shown as "Private Street" and "Common Areas", which easement is
16 appurtenant to Parcell.

17 pursuant to applicable State Laws, and thereafter commence any action necessary to
18 obtain complete possession of the subject property.

19 **IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall**
20 give Debtors at least five business days' notice of the time, place and date of sale.

21 DATED this 16th day of September, 2009

22 Submitted by:
23 Wilde & Associates

24 /s/ Gregory L. Wilde

25 By _____ **GREGORY L. WILDE, ESQ.**
26 Attorney for Secured Creditor
 208 South Jones Boulevard
 Las Vegas, Nevada 89107

1 ALTERNATIVE METHOD RE: LOCAL RULE 9021:

2 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

3 The court waived the requirements of LR 9021.

4 No parties appeared or filed written objections, and there is no trustee appointed in the case.

5 I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any
6 unrepresented parties who appeared at the hearing, and any trustee appointed in this case,
and each has approved or disapproved the order, or failed to respond, as indicated below
(list each party and whether the party has approved, disapproved, or failed to respond to the
document):

7 (List Parties)

8 Debtor's counsel:

9 approved the form of this order disapproved the form of this order

10 waived the right to review the order and/or failed to respond to the document

11 appeared at the hearing, waived the right to review the order

12 matter unopposed, did not appear at the hearing, waived the right to review the order

13 Trustee:

14 approved the form of this order disapproved the form of this order

15 waived the right to review the order and/or failed to respond to the document

16 Other Party:

17 approved the form of this order disapproved the form of this order

18 waived the right to review the order and/or failed to respond to the document

19 Breach Order:

20 This is an Order Vacating the Stay after the Failure to cure a Declaration of Breach. Copies of
21 this proposed order were transmitted to Debtor's counsel and appointed trustee to which
22 they have not replied

24 Submitted by:

25 /s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor